

**Authors Guild, Inc. v. Google Inc.,
954 F. Supp. 2d 282 (S.D.N.Y. 2013)**

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| Year | 2013 |
| Court | United States District Court for the Southern District of New York |
| Key Facts | Defendant Google, Inc. collaborated with several major research libraries to digitize their collections for the Google Books project. Plaintiffs, the Authors Guild, Inc. and individual copyright owners, complained that Google scanned more than twenty-million books without permission or payment of license fees. Google made the digital copies available to its library partners. It also maintained copies on Google servers and on backup tapes, created an electronic index, and displayed “snippets” of text in search engine results. Plaintiffs alleged that Google infringed by using copyrighted books without permission. [American Association of Publishers was a plaintiff in the initial complaint, but settled before the district court decided the case.] |
| Issue | Whether it was fair use to digitally copy entire books from library collections, without permission or payment, and to make the digital copies available for library collections and for the public to search electronically using a search engine. |
| Holding | The court held that Google’s digitization and subsequent use of the copyrighted works was fair use. It found that Google’s use “transforms expressive text into a comprehensive word index that helps readers, scholars, researchers and others find books.” The court stated that transforming book text into data opened new fields of research. It also held that the “amount and substantiality” factor weighed only slightly against fair use because Google Books’ search function required use of the entire text, and Google limited the amount of text it displayed to users in their search engine results. It also found that Google Books would not negatively affect the potential market for or value of the copyrighted works because Google did not sell the digital copies, prevented users from viewing entire books, and enhanced book sales by facilitating their discovery and online purchases. |
| Tags | Second Circuit; Education/Scholarship/Research; Format shifting/Space shifting; Internet/Digitization; Textual work |
| Outcome | Fair use found |

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